

REMARKS

This amendment is being submitted in conjunction with Applicant's Request for Continued Examination of the above-referenced application. A two-month extension of time is requested in which to respond to the Office Action dated March 18, 2003 up to and including August 18, 2003. The fee of \$410.00 for a two-month extension of time is included with this request as well as the filing fee for a continuation application. In the event that the Commissioner finds that additional fees are necessary to affect the extension, or in the event that refund is in order, he is authorized to appropriately debit or credit our Deposit Account No. 22-0261.

In the advisory Office Action dated June 12, 2003 (The Advisory Action) the Examiner declined to enter the amendment that was presented. In the Advisory Action the Examiner indicated that the amendment wherein the "notifying" state was amended to "game state" involved a significant change to the scope of the patent. This amendment is similar to the amendment previously presented. The Applicant disagrees that this or the proposed amendment involved new matter. As the Examiner had previously suggested, the applicant was attempting to simplify the language that describes the applicant's invention disclosed in the specification. In the present amendment the term "notifying state" in the claims has been replaced with the term "game state." In view of he
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Examiner's previous position, the applicant has not amended the specification for further clarity. In any event, in view of the presently filed amendment, reconsideration of the claims is requested.

In the Office Action dated March 18, 2003, the Examiner rejected claims 1-9 as being unpatentable over the patent to Kaufman No. 4,624,459 ("Kaufman") in view of the

Ishibashi patent No. 5,695,188 ("Ishibashi"). In response to the applicant's arguments regarding the Ishibashi patent in the previously-filed response, the Examiner has agreed that Ishibashi failed to disclose the recited features in the applicant's claims. However, the Examiner contended that the Kaufman patent disclosed the recited features. The Examiner relies on the Ishibashi patent for its teaching of determining a prize winning state based on a random number lottery, apparently contending that it would be obvious to modify the Kaufman patent system to include a random number lottery feature.

Applying the Kaufman patent to the applicant's claims, the Examiner contends that the "notifying means for notifying a game player of information in notifying (or game) states including a current notifying (or game) state" is found in the Kaufman patent in the form of the display of symbols that are disclosed in the Kaufman patent and which inform the player of the gaming result. In other words, the Examiner contends that the displayed symbols on the reels 12, 14 and 16 on the win line 20 comprise a means for notifying a game player of the notifying information in a current notifying (or game) state. However, as explained here and in the applicant's previous response, the applicant's notifying means (as required in claim 1) makes the notification to the game player *while the game player is enjoying the current game*. In contrast, the set of symbols displayed on the win line 10 is not notified to the player in the Kaufman patent until the game ends and thus is not a "notifying means" as recited in the applicant's claims. To emphasize this distinction from the Kaufman patent and the prior art, claim 1 has been amended to now specifically recite that the notifying means notifies the game player of the information in the current game state.

Moreover, the applicant's claims also recite the shift and display means for shifting and displaying a plurality of rows, each means having a plurality of symbol marks thereon and the claims further recite a stop control means for controlling the stop of the shift and display means to have a set of symbol marks shifted and displayed. While Kaufman discloses such a shift and display means, the Examiner's reliance on the same structure to be a notifying means as well as the shift and display means amounts to a double inclusion. Kaufman clearly does not have a different means performing each function as recited in claim 1.

The Examiner relies on the multiple payout indicator in Kaufman as the subsequent notifying (or game) state. The multiple payout indicator in Kaufman indicates to the game player when the number of the accumulated won games is a predetermined number, for example, one less than the multiple payout random number. Thus, when the number of wins becomes one less than the multiple payout number, the multiple payout indicator will be energized to indicate to the game player that the next game will be a multiple payout game. While a multiple payout indicator has some similarity to the applicant's notifying means, it should be noted that the multiple payout indicator does not indicate information about a current game while the game is currently being played as required in the applicant's claims.

In any event, it is clear that Kaufman does not have a notification means as recited in applicant's claim 1 as presently amended wherein the notification means both notifies the game player of (1) information in the current game state while the current game is being played as well as (2) notifies the game player of information in subsequent games following a current game.

Claim 1 further distinguishes from the Kaufman patent by reciting subsequent game state determining means for determining and selecting in advance the subsequent game states in the current game on the basis of the current game state. Thus, in the claim the subsequent game states depend upon the current game state of which the game player is notified while the current game is being currently played. There is nothing in the Kaufman patent to suggest such a subsequent game state determining means as recited in claim 1.

Since the distinguishing features discussed above are also not found in the Ishibashi patent, it is submitted that the claims patentably distinguish from the combination of Kaufman and Ishibashi.

Claim 2 further distinguishes from the Kaufman patent considered alone or in combination with the Ishibashi patent by reciting that the second notifying means (provided separately from the first mentioned notifying means) notifies the game player of information in the current game state. No such second notifying means is found in the Kaufman patent system considered either alone or in combination with the Ishibashi patent. Claim 2 further requires a second game state determining means for determining and selecting in advance the current game states on the basis of the subsequent game states determined by the subsequent game state determining means. This feature is clearly not found in the prior art references relied upon by the Examiner.

Claim 3 further distinguishes from the combination of references relied upon by the Examiner by reciting that the notifying means is operative to notify the game player of the game state determined by the subsequent game state determining means when the current or subsequent game starts with a game medium inserted in the medal inserting

slot. The Examiner contends that this feature is obvious because most games are started by the deposit of coins into a slot. However, the structure in Kaufman relied upon by the Examiner to be the subsequent notifying means is the multiple payout indicator which provides its indication to the game player as soon as the number of accumulated wins is less than the multiple payout random number by one, which is not the same time that the coins are inserted into the slot. It is submitted that it would not be obvious to a person with ordinary skill in the art to provide the indication at the time recited in applicant's claim 3 instead of the time taught in the Kaufman patent.

Claim 4 further distinguishes from the Kaufman patent considered alone or in combination with the Ishibashi patent by reciting that the notifying means will continue to notify the game player of the identical game state without interruption when the current game state in the current game is identical to the subsequent game states in subsequent games. The Examiner contends that this is obvious. However, the Examiner is reminded that in his application of the Kaufman patent to the claims, the current notification to the game player is the display of symbols forming the gaming result and the subsequent notification is the multiple payout indicator. It is submitted that there is no obvious way for these two notifying states to be identical and thus it would not be obvious to have the notifying means continue to notify the game player of such an identical notifying state without interruption.

Claim 6 further distinguishes from the combination of references relied upon by the Examiner by reciting that the notifying means notifies the game player of the game state corresponding to the prize winning state at a predetermined probability. What is being recited in this claim is the feature of the applicant's invention whereby the

notification given to the game player does not directly indicate the prize winning state but only gives an indication of what the prize winning state will be within a predetermined probability. This feature is clearly not found in Kaufman considered alone or in combination with the Ishibashi patent.

Claim 9 further distinguishes from the prior art relied upon by the Examiner by reciting that the game machine further comprises storage means for storing variation values each showing the relationship between the current game state and the subsequent game state whereby the subsequent game state determining means is operative to determine the subsequent game states with reference to the variation value selected by a lottery operation. Clearly no such features are found in the Kaufman patent or the Ishibashi patent and for this additional reason it is submitted that claim 9 is patentable over the prior art.

For the above reasons, it is submitted that the claims as amended are clearly patentable over the prior art and reconsideration of the application is earnestly solicited.

Respectfully submitted,

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